



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,575	09/03/2003	Ralph E. Wesinger JR.	GRAPH-002COB	6424
28661	7590	11/24/2009	EXAMINER	
LEWIS AND ROCA LLP 1663 Hwy 395, Suite 201 Minden, NV 89423			LEE, BRYAN Y	
			ART UNIT	PAPER NUMBER
			2445	
			MAIL DATE	DELIVERY MODE
			11/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/655,575	Applicant(s) WESINGER ET AL.	
	Examiner BRYAN LEE	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/10/2009, 4/10/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remarks/Arguments

1. This communication is considered fully responsive to the Amendment filed on 18 August 2009.

a. The 112 rejection(s) to claims 13-23 is/are withdrawn since the claim(s) has/have been cancelled.

b. The 101 rejection(s) to claims 13-23 is/are withdrawn since the claim(s) has/have been cancelled.

c. The 101 rejection(s) to claims 1-4 is/are withdrawn since the claim(s) has/have been amended accordingly.

2. Applicant's arguments with respect to **claim(s) 1-9** have been considered but are moot in view of the new ground(s) of rejection, as necessitated by amendment.

Object libraries come in two types: static and dynamically linked. Statically linked libraries are linked at compile time. Source code is compiled into object code which is machine readable code. The object code is then linked into an executable binary. The executable binary can then be run as an application by a user.

Dynamically linked libraries are loaded at runtime rather than compile time. The linking is done at application load time or during execution. Examples of dynamic linking include DLLs or Dynamic-Link Libraries on Windows based systems and dynamic shared objects on UNIX based systems.

Art Unit: 2445

A compiled executable module and compiled data structure are both analogous to a compiled object library. They are both source code compiled into machine readable object code. The claims specify compiling and linking a library into a server application. Compiling and linking a library teach a statically linked library.

See below for more detailed rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim(s) 1 and 3** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of "HypertextTransfer Protocol – HTTP/1.0" to *Berners-Lee et al.* ("*Berners-Lee*") in view of U.S. Patent No. 5,375,242 A to *Kumar et al.* ("*Kumar*").

As to **claim 1**, *Gooderum* disclose(s) a computer executing a Web server program, comprising:

a plurality of virtual hosts (*Gooderum*; col. 25; ll. 24-29; many commerce servers run on the same machine) accessible using connection requests

Art Unit: 2445

(*Gooderum*; commerce servers serve HTTP requests; col. 25; ll. 24-29) passed over a computer network (*Gooderum*; Fig. 1; network).

Gooderum do(es) not expressly disclose each of the virtual hosts being identified by a corresponding virtual host identifier includable in a connection request.

Berners-Lee disclose(s) http request URLs including IP address or domain name. (*Berners-Lee*; p. 11) The IP address or domain identifies the virtual host.

Gooderum and *Berners-Lee* are analogous art because they are from the same field of endeavor with respect to transferring data over a network.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the identifier aspect of *Berners-Lee* with the requests of *Gooderum*. The suggestion/motivation would have been to make an HTTP request that conforms to the known standard of the time. (*Berners-Lee*; p. 11)

Gooderum further disclose(s) a plurality of executable modules, each of the modules defining a predetermined function; (*Gooderum* ; CGI scripts are executables; col. 26; ll. 10-22)

a plurality of configuration sub-files corresponding to the virtual hosts, each of the configuration subfiles defining which of the executable module functions are usable by a corresponding one of the virtual hosts. (*Gooderum*; create server configuration files; col. 25; ll. 16)

Gooderum do(es) not expressly disclose wherein each of said plurality of executable modules is compiled and linked to said web server program.

Kumar disclose(s) compiling and linking object libraries into an executable program. (*Kumar*; Fig. 1)

Gooderum and *Kumar* are analogous art because they are from the same field of endeavor with respect to computer software libraries.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the compiling and linking of *Kumar* with the web server of *Gooderum*. The suggestion/motivation would have been to divide the code into a number of smaller simpler modules which are then linked together. (col. 1, ll. 50-60)

As to **claim 3**, *Gooderum* disclose(s) a computer further comprising a plurality of log files corresponding to the virtual hosts. (*Gooderum*; logging; col. 25; ll. 43)

5. **Claim(s) 2** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of "HypertextTransfer Protocol – HTTP/1.0" to *Berners-Lee et al.* ("*Berners-Lee*") in view of U.S. Patent No. 6,064,723 A to *Cohn et al.* ("*Cohn*").

As to **claim 2**, *Gooderum* does not expressly disclose a computer, wherein the configuration sub-files are included in a master configuration file.

Cohn disclose(s) a master database containing configuration. (*Cohn*; col. 31, ll. 24-38)

Art Unit: 2445

Gooderum and *Cohn* are analogous art because they are from the same field of endeavor with respect to networked systems.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the master database aspect of *Cohn* with the configuration files of *Gooderum*. The suggestion/motivation would have been speed the process of loading the configurations. (*Cohn*; col. 31, ll. 24-38)

6. **Claim(s) 4** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of "HypertextTransfer Protocol – HTTP/1.0" to *Berners-Lee et al.* ("*Berners-Lee*") in view of U.S. Pre-Grant Publication No. 20090037991 A1 to *Ellis et al.* ("*Ellis*").

As to **claim 4**, *Gooderum* does not expressly disclose a computer, further comprising means for creating a log entry identifying at least one of the virtual hosts accessed by a connection request.

Ellis disclose(s) logging web entries with the URL of a web request. (*Ellis*; [0024])

Gooderum and *Ellis* are analogous art because they are from the same field of endeavor with respect to transferring data over a network.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the URL aspect of *Ellis* with the logging of *Gooderum*. The suggestion/motivation would have been to fully identify relevant information about the request. (*Ellis*; [0024])

Art Unit: 2445

7. **Claim(s) 5, 7 and 8** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of U.S. Patent No. 5,774,551 A to *Wu et al.* ("*Wu*").

As to **claim 5**, *Wu* disclose(s) a method of administering a network server, the method comprising the acts of:

providing a server having a configuration file, providing a default data structure for identifying the types of resources a to be used to process connection requests of that type. (*Wu*; col. 7, Table 1; shows a configuration mapping code modules to types of resources)

Gooderum do(es) not expressly disclose compiling said default data structure;

linking said default data structure with said server.

Kumar disclose(s) compiling and linking object libraries into an executable program. (*Kumar*; Fig. 1)

Gooderum and *Kumar* are analogous art because they are from the same field of endeavor with respect to computer software libraries.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the compiling and linking of *Kumar* with the web server of *Gooderum*. The suggestion/motivation would have been to divide the code into a number of smaller simpler modules which are then linked together. (col. 1, ll. 50-60)

Wu do(es) not expressly disclose receiving from a remote host a connection request, the connection request requesting that a specified resource be served to the remote host; (*Gooderum*; http clients request file and CGI executables from the commerce server; See Fig. 8 and col. 26 20-35)

processing the connection request to identify the specified resource as being of one of a plurality of resource types. (*Gooderum* ; col. 25, ll. 55-60, type enforcement)

Gooderum disclose(s) receiving http request from clients to a server on a remote host where the resources are of different types. *Gooderum*; http clients request file and CGI executables from the commerce server; See Fig. 8 and col. 26 20-35) (*Gooderum*; col. 25, ll. 55-60, type enforcement)

Wu and *Gooderum* are analogous art because they are from the same field of endeavor with respect to remotely accessing data.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the association of *Wu* with the receiving and processing of *Gooderum*. The suggestion/motivation would have been to allow a pluggable architecture to allow many different modules to operate in a unified architecture. (*Wu*; col. 3, ll. 30-40)

Wu further disclose(s) consulting the default data structure to identify a code module matching said resource specified in said connection request; and (*Wu*; col. 8, ll. 5-10 reads the configuration file)

executing the code module to process resources of the type of said specified resource. (*Wu*; col. 8, ll. 12-45; loads the service upon demand to invoke function)

As to **claim 7**, *Gooderum* disclose(s) a method, wherein the connection request is an HTTP protocol request. (*Gooderum*; http; col. 25; ll. 2)

As to **claim 8**, *Gooderum* disclose(s) a method, wherein the connection request is an HTTPS protocol request. (*Gooderum*; https; col. 25; ll. 2)

8. **Claim(s) 6** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of U.S. Patent No. 5,774,551 A to *Wu et al.* ("*Wu*") in view of U.S. Patent No. 6,208,040 B1 to *Acton et al.* ("*Acton*").

As to **claim 6**, *Wu* disclose(s) a method, further comprising:

providing a new code module to be used to process resources of a particular type when requested by a remote host; (*Wu*; col. 7, Table 1; UNIX libraries are provided in the configuration file)

modifying the data structure stored in the configuration file to identify the new code module as a code module to be used to process resources of the particular type, thereby producing a modified data structure; and (col. 11; ll. 20-25; add new entries to the configuration file)

Wu do(es) not expressly disclose compiling the modified data structure and the new code module with existing network server software. (*Acton*; compiling a type library)

Art Unit: 2445

Acton disclose(s) compiling a type library. (*Acton*; col. 4, ll. 62-65)

Wu and *Acton* are analogous art because they are from the same field of endeavor with respect to code libraries.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the compiling of *Acton* with the method of *Wu*. The suggestion/motivation would have been to provide the new functionality in the form of a compiled binary. (*Acton*; col. 4, ll. 62-65)

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN LEE whose telephone number is (571)270-5606. The examiner can normally be reached on 9/4/5.

Art Unit: 2445

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. L./
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445